

REMARKS

Claims 1-4 are pending in the application. Applicants also have added claims 5-10. In the office action dated January 25, 2005, the Examiner rejected all pending claims, and the Examiner's comments and rejections are addressed in the order they were presented in the Office Action.

The 35 U.S.C. § 102 Rejection

The Examiner rejected claims 1-4 under 35 U.S.C. § 102(b), as being anticipated by U.S. Patent No. 5,613,991 ("Esaki"). However, Applicant respectfully traverses this rejection.

Esaki teaches an air filter attachment and detachment structure in air conditioning devices for a motor vehicle (col. 1, lines 9-11). Esaki teaches the use of an air filter to be mounted into what is essentially an opening (item 17) along a portion of the air passage means having a rectangle cross-section (col. 4, lines 1-6 and FIG. 3). This opening is formed from a first slit on a first wall and a second slit on an adjacent second wall such that the first and second splits come together to form an L-shaped opening on the bottom and side of the air passage means (col. 4, lines 1-6 and FIG. 3). In particular, the air filter in Esaki requires an L-shaped cover member to fit over the air filter and the opening to close off any gaps left therebetween (col. 4, lines 7-13). On the other hand, claim 1 of the present invention recites the use of a cuttable groove that is "formed at an external wall of the air exhaust port for inserting an air filter into the air intake duct through a hole formed by cutting out the groove."

In comparison, Esaki does not teach the same structure as recited by claim 1. Esaki's alleged groove is based on having two slits on two adjacent walls of the air passage means, forming a hole that the air filter readily fits into. The air filter fits into this hole because the air passage means is essentially an empty box with a plurality of walls, where the opening merely allows the filter to be inserted. Furthermore, it would not make sense to cut out the existing opening in Esaki because the air filter can already be inserted into the opening, which indicates it is not meant to be cut. As such, Esaki's alleged groove is not the cuttable groove recited in claim 1 that is "formed at an external wall of the air exhaust port for inserting an air filter into the air intake duct through a hole formed by cutting out the groove." Thus, Esaki does not anticipate claim 1 and its dependents, claims 2-4. Applicant, therefore, respectfully requests withdrawal of this rejection.

In light of the foregoing, Esaki does not anticipate claim 1. Because Esaki does not anticipate claim 1, it also does not anticipate dependent claims 2-4. As such, Applicant respectfully requests withdrawal of the rejection.

New Claims

Applicant has added claims 5-10. Claims 5-8 recite a groove having an opening and a bottom that is more narrow than the opening, wherein the groove is dug into an external wall of the air exhaust port and the groove is configured for insertion of an air filter upon cutting out the bottom to form a hole in the external wall.. Ample support for these new claims can be found in the specification. For example, FIGs. 1-3 show the groove having an opening and a narrow bottom on the external wall of the air intake duct. The specification also indicates that the groove can be cut so that an air filter can be inserted (Paragraphs [0016]-[0018]).

With regard to claims 9-10, they recite an air filter receiving portion formed on the outside surface of one of the walls of the air exhaust port with “said receiving portion comprising an inner wall portion surrounded by a peripheral groove, wherein said groove is formed in the outside surface of the wall such that the wall is thinned at the groove and said inner wall portion is configured and dimensioned to define an opening when removed that is adapted to receive an air filter.” Similarly, support for these new claims can be found in FIGs. 1-3 and Paragraphs [0013]-[0018].

Moreover, Applicant believes these new claims are patentable over Esaki. Esaki does not teach a groove that is configured for insertion of an air filter upon cutting out its bottom to form a hole in the external wall. Esaki also does not teach an air filter receiving portion comprising an inner wall portion surrounded by a peripheral groove such that the inner wall portion is configured and dimensioned to define an opening when removed that is adapted to receive an air filter. Applicant, therefore, respectfully requests allowance of these new claims.

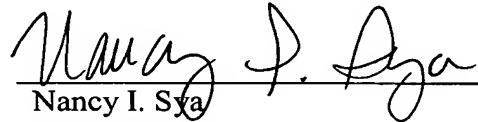
CONCLUSION

In view of the foregoing amendments and remarks, it is believed that the application as a whole is in form for allowance. Should the Examiner have any continuing objections, Applicant respectfully asks the Examiner to contact the undersigned at 415-442-1106 in order to expedite allowance of the case. Authorization is granted to charge any outstanding fees due at this time for the continued prosecution of this matter to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (matter no. 060945-0132).

Respectfully submitted,

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By:



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